

PATENT COOPERATION TREATY

From the
INTERNATIONAL SEARCHING AUTHORITY

PCT

WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY (PCT Rule 43bis.1)

To: <p style="text-align: center;">see form PCT/ISA/220</p>		<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="padding: 2px;">Date of mailing (day/month/year)</td> <td style="padding: 2px;">see form PCT/ISA/210 (second sheet)</td> </tr> </table>	Date of mailing (day/month/year)	see form PCT/ISA/210 (second sheet)
Date of mailing (day/month/year)	see form PCT/ISA/210 (second sheet)			
Applicant's or agent's file reference see form PCT/ISA/220		FOR FURTHER ACTION See paragraph 2 below		
International application No. PCT/CH2005/000101	International filing date (day/month/year) 22.02.2005	Priority date (day/month/year) 24.02.2004		
International Patent Classification (IPC) or both national classification and IPC A61L9/04, A61L9/12, A01M1/20, F24F3/16, B01D53/86				
Applicant GIVAUDAN SA				

1. This opinion contains indications relating to the following items:

- ☒ Box No. I Basis of the opinion
- ☐ Box No. II Priority
- ☐ Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- ☐ Box No. IV Lack of unity of invention
- ☒ Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- ☐ Box No. VI Certain documents cited
- ☒ Box No. VII Certain defects in the international application
- ☒ Box No. VIII Certain observations on the international application

2. FURTHER ACTION

If a demand for international preliminary examination is made, this opinion will usually be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA"). However, this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of three months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

Name and mailing address of the ISA: <div style="display: flex; align-items: center;"> <div> European Patent Office D-80298 Munich Tel. +49 89 2399 - 0 Tx: 523656 epmu d Fax: +49 89 2399 - 4465 </div> </div>	Authorized Officer Katsoulas, K Telephone No. +49 89 2399-8613
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**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**

International application No.
PCT/CH2005/000101

Box No. I Basis of the opinion

1. With regard to the **language**, this opinion has been established on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.
☐ This opinion has been established on the basis of a translation from the original language into the following language , which is the language of a translation furnished for the purposes of international search (under Rules 12.3 and 23.1(b)).
2. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:
 - a. type of material:
☐ a sequence listing
☐ table(s) related to the sequence listing
 - b. format of material:
☐ in written format
☐ in computer readable form
 - c. time of filing/furnishing:
☐ contained in the international application as filed.
☐ filed together with the international application in computer readable form.
☐ furnished subsequently to this Authority for the purposes of search.
3. ☐ In addition, in the case that more than one version or copy of a sequence listing and/or table relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.
4. Additional comments:

**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**

International application No.
PCT/CH2005/000101

Box No. V Reasoned statement under Rule 43b/s.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Yes: Claims	4-9
	No: Claims	1-3,10-12
Inventive step (IS)	Yes: Claims	
	No: Claims	4-7
Industrial applicability (IA)	Yes: Claims	1-12
	No: Claims	

2. Citations and explanations

see separate sheet

Box No. VII Certain defects in the international application

The following defects in the form or contents of the international application have been noted:

see separate sheet

Box No. VIII Certain observations on the international application

The following observations on the clarity of the claims, description, and drawings or on the question whether the claims are fully supported by the description, are made:

see separate sheet

Re Item V.

- 1 Reference is made to the following documents:
D1 : WO 91/00708 A; D2 : DE-A-10027428; D3: US-A-6458741
- 2.1 The present application does not meet the criteria of Article 33(1) PCT, because the subject-matter at least of claim 1 is not new in the sense of Article 33(2) PCT.
Document D1 discloses (the references in parentheses applying to this document): an apparatus for both purifying air and disseminating a volatile liquid comprising a liquid source (fragrance chamber 132), a liquid disseminating element (absorbent material 142) and a catalyst (wire mesh 62 and/or coiled wire 82) adapted to remove pollutants, such as CO). A fan draws air through the catalyst and over the disseminating element. An additional filter 66 for fine particles is provided upstream of the catalyst, the filter together with the liquid dispenser forming a replaceable unit (60). It follows that claims 1-3 and 10-12 lack novelty in view of D1 (Art. 33(2) PCT).
- 2.2 D2 discloses (the references in parentheses applying to this document) a similar apparatus comprising in air flow direction a particle filter (1), an ozone catalyst (3) and multiple liquid dispensers (4). Thus, claims 1 and 12 lack novelty in view of D2 (Art. 33(2) PCT).
3. The additional catalyst features of claims 4-7 are known from D3. Thus, starting from D1 the skilled person seeking an improved low temperature catalyst for treating polluted air streams would encounter in D3 catalysts comprising a combination of a precious metal such as gold and a metal oxide supported on a monolith. Thus, no inventive step for these claims can be acknowledged (Art. 33(3) PCT).

Re Item VII.

1. Documents D1-D3 should be acknowledged in the description and the relevant art disclosed therein be briefly discussed.

Re Item VIII.

1. Claim 11 should be dependent to claim 10. Furthermore, in claim 11 the statement "any heating element" does not limit the claim to catalysts with a heating element. (Art. 6 PCT).
2. Method claim 12 is directed to the purification of "an atmosphere" and not of an air flow as in claim 1. Thus, the scope of claim 12 is ambiguous (Art. 6).